

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GEORGE J. LAZARIS,

Plaintiff,

v.

DR. FERN SPRINGS, WARDEN TOM KARLIN,
CAPTAIN TEGEL, OFFICER HALE,
OFFICER CARLSON, R.N. MEYER and
R.N. HOLNICK,

Defendants.

ORDER

04-C-156-C

This case was closed on June 11, 2004 for plaintiff's failure to exhaust his administrative remedies. Now plaintiff has filed a letter dated October 31, 2004, which I construe as a motion to reopen the case. The motion will be denied.

Plaintiff contends that he has now exhausted his administrative remedies, but he has supplied no documentation to confirm this assertion. Even if he had, I would not permit plaintiff to reopen this case. 42 U.S.C. § 1997(e) makes exhaustion a *precondition* to suit. Perez v. Wisconsin Dept. of Corrections, 182 F.3d 532, 535 (7th Cir. 1999). This means that exhaustion must be complete before the lawsuit is filed. This case was filed on

March 19, 2004. It was dismissed because defendants showed that plaintiff had not exhausted before March 19, 2004 any of the seven claims he raised in the suit. If it is true that plaintiff exhausted his administrative remedies after March 19, 2004, he is free to file a new lawsuit. Forms for filing a complaint may be obtained from the clerk of court on plaintiff's request.

ORDER

IT IS ORDERED that plaintiff's motion to reopen this action is DENIED.

Entered this 9th day of November, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge